

# Department of State

## Retrospective Review Plan Report

### January 2012

Agency/Sub-agency	RIN/OMB Control Number	Title of the Rule/ICR/Initiative	Actual or Target Completion Date	Anticipated savings in cost and/or information collection burdens; anticipated changes in benefits (please quantify, and provide a baseline, time-horizon, and affected groups)	Progress updates and anticipated accomplishments	Notes
State	1400-AC90	Revision of USML Category I (Firearms)	Proposed Rule publication planned for February 2012	Regulatory clarification. This will lead to reduction of burden, in many instances, by eliminating the necessity of an export license from the Department of State. This reduction in license volume will result in cost savings to the defense industry, as fees paid by defense manufacturers and exporters to register with the Department of State are determined in part by the number of licenses submitted. Regulatory clarification also should lead to burden reduction through the decreased use of the commodity jurisdiction determination procedure, for a USML that clearly delineates defense articles should lead to less ambiguity on the part of exporters.		
State	1400-AD05	Revision of USML Category II (Guns and Armament)	Proposed Rule publication planned for February 2012	See above.		
State	1400-AD04	Revision of USML Category III (Ammunition and Ordnance)	Proposed Rule publication planned for February 2012	See above.		
State	TBD	Revision of USML Category IV (Launch Vehicles, etc.)	Proposed Rule publication planned for Spring 2012	See above.		
State	1400-AD02	Revision of USML Category V (Explosives, etc.)	Proposed Rule publication planned for February 2012	See above.		Planned publication date changed to February.
State	1400-AC99	Revision of USML Category VI (Surface Vessels of War)	Proposed Rule published December 2012 (76 FR 80302)	See above.		Updated with FR citation.

State	1400-AC77	Revision of USML Category VII (ground vehicles)	Proposed Rule published December 2011 (76 FR 76100)	See above.		Updated with FR citation.
State	1400-AC96	Revision of USML Category VIII (Aircraft)	Proposed Rule published November 2011 (76 FR 68694)	See above.	Comment period closed in December 2011.	Updated with FR citation.
State	TBD	Revision of USML Category IX (Military Training Equipment)	Proposed Rule publication planned for March 2012	See above.		Planned publication date changed to March.
State	TBD	Revision of USML Category X (Protective Personnel Equipment)	Proposed Rule publication planned for March 2012	See above.		Planned publication date changed to March.
State	TBD	Revision of USML Category XI (Military Electronics)	Proposed Rule publication planned for Spring 2012	See above.		
State	TBD	Revision of USML Category XII (Fire Control Equipment, etc.)	Proposed Rule publication planned for Spring 2012	See above.		
State	TBD	Revision of USML Category XIII (Materials)	Proposed Rule publication planned for February 2012	See above.		
State	1400-AD03	Revision of USML Category XIV (Toxicological Agents, etc.)	Proposed Rule publication planned for February 2012	See above.		Planned publication date changed to February.
State	TBD	Revision of USML Category XV (Spacecraft)	Proposed Rule publication planned for Spring 2012	See above.		
State	TBD	Revision of USML Category XVI (Nuclear Weapons)	Proposed Rule publication planned for Spring 2012	See above.		

State	TBD	Revision of USML Category XVII (Classified Articles)	Proposed Rule publication planned for Spring 2012	See above.		<b>Response to Comment:</b> Many rewritten categories include subcategories controlling classified. Cross references will need to be added.
State	TBD	Revision of USML Category XVIII (Directed Energy Weapons)	Proposed Rule publication planned for Spring 2012	See above.		
State	1400-AC98	Revision of USML Category XIX (Gas Turbine Engines)	Proposed Rule published December 2011 (76 FR 76097)	See above.		Updated with FR citation.
State	1400-AD01	Revision of USML Category XX (Submersible Vessels)	Proposed Rule publication planned for December 2012 (76 FR 80305)	See above.		Updated with FR citation.
State	TBD	Update policy to reflect a new statutory provision contained in Section 520 of Public Law 112-55, which exempts from the requirement to obtain a license for exports of certain firearms components to Canada with a total transaction value not exceeding \$500.00	Final Rule publication planned for February 2012	Reduce burden by eliminating the need for the affected public to submit license applications in certain instances.		<b>Response to Comment:</b> This rule change is pursuant o a law passed by Congress. Our thinking is that such a rule would not require publication as a proposed rule, but can proceed straight to final rule. When the rule is ready, we will consult with OMB on this matter. In the meantime, publication date has been adjusted to February.

State	1400-AC94	License exemption for certain replacement parts	Final Rule publication planned for Summer 2012	Reduce burden by eliminating the need for the affected public to submit license applications in certain instances.	NPRM published March 2011 (76 FR 13928)	Updated with FR citation.
State	TBD	License Exemption for incorporated articles	Final Rule publication planned for Summer 2012	Reduce burden by eliminating the need for the affected public to submit license applications in certain instances.	NPRM published March 2011 (76 FR 13928)	Updated with FR citation.
State	1400-AC71	License exemption for personal use of chemical agent protective gear	Final Rule projected to publish in March 2012	Reduce burden by eliminating the need for the affected public to submit license applications in certain instances.		
State	1400-AC68	New licensing policy for transfer of defense articles to dual national and third-country national employees	Final Rule published May 2011 (76 FR 28174)	Reduce burden by eliminating the need for the affected public to submit license applications in certain instances.		Updated with FR citation.
State	1400-AC74	New electronic submission of registration payments	Final Rules published July and December 2011 (76 FR 45195; 76 FR 76035)	Reduce burden through process enhancements. Specifically, revisions to the form used by the public to register as defense exporters/manufacturers/brokers will cut the estimated burden time in half. As there are currently approximately 10,000 registrants, this will amount to a burden reduction of 10,000 hours annually.		Updated with FR citation.
State	1400-AC84	Clarification of records maintenance requirement	Proposed Rule publication planned for March 2012	Reduce burden by clarifying the regulatory requirement in this instance.		Planned publication date changed to March.
State	1400-AC85	Discontinue submissions of form DSP-53	Final Rule publication planned for Spring 2012	Regulatory clarification, as the State Department does not have the authority to regulate the permanent importation of defense articles. For those foreign governments requiring documentation of the Federal government's approval of the temporary importation of defense articles, which the State Department is authorized to regulate, the State Department's DSP-61 or DSP-85 must be used.		
State	1400-AC91	Change in requirements for the return of licenses	Final Rule published November 2011 (76 FR 68311)	Reduce burden by eliminating the need for the affected public to return expired license applications in certain instances.		Updated with FR citation.

State	1400-AC37	Revise brokering regulations	Proposed Rule published December 2011 (76 FR 78578)	Regulatory clarification. Burden reduction for that subset of registrants that register as manufacturers/exporters and brokers of defense articles, as this rule would eliminate the need to register as each separately and pay a separate registration fee.		Updated with FR citation.
State	1400-AC88	Clarify and reflect new policy for exports made by or for the U.S. Government	Proposed Rule publication planned for February 2012	Regulatory clarification, which may lead to more frequent use of this available licensing exemption.		
State	1400-AC81; 1400-AC83; 1400-AC93; 1400-AC97	Update information on sanctioned countries	Final Rules published in May, August, and November 2011 (76 FR 30001; 76 FR 47990; 76 FR 68313; 76 FR 69612)	Regulatory clarification. Accurately describing proscribed destinations in the regulations will provide information to applicants to preclude them from expending resources pursuing contracts that will not be approved by the U.S. Government.		Updated with FR citation.
State	1400-AC80	Revise definition for defense service	Final Rule publication planned for Spring 2012	Reduce burden by eliminating the need for the affected public to submit license applications in certain instances.		
State	1400-AC95	New regulations implementing the Australia and UK	Proposed Rule published November 2011	Reduce burden by eliminating the need for the affected public to submit license applications in certain instances.	Comment period closed in December 2011.	Updated with FR citation.
State	1400-AC67	Exchange Visitor Program - Fees and Charges	Published 2/25/2011	An increase in fees was implemented to recoup the full costs of services which are requested and performed for the benefit of foreign nationals and U.S. corporate entities.	New fees went into effect March 25, 2011.	
State	1400-AC79	Exchange Visitor Program - Summer Work Travel	Published 4/26/2011	The Department projected an increase in three hours or \$20 per hour per work placement for the additional administrative requirements on each Summer Work Travel participant. The increased burden is required for necessary enhanced selection, screening, vetting, placement, monitoring and evaluations.		
State	1400-AC60	Exchange Visitor Program - Teachers	Early 2012	Proposing to add a cultural component to teacher exchange program which will require exchange teachers to conduct cultural presentations, reports, etc. No anticipated savings in costs. The proposed rule will undergo a 60-day comment period.	OMB opened as a significant review on December 9, 2011.	

State	1400-AC64	Advisory Committee Management, Department of State (22 CFR part 8)	February 15, 2012	Removes obsolete regulation from the CFR.		
State	1400-AC89	Elimination of hearings on certain passport actions and other changes	February 29, 2012	None	Pending final Department of State review.	This rule revises 22 CFR Part 51 to limit administrative hearings and clarify hearing procedures, incorporate statutory passport denial and revocation requirements for certain sex offenders, and clarify availability of limited direct return passports.
State	None	22 CFR Part 53 Passport Requirement and Exceptions	March 31, 2012	None	PPT reviewed the feasibility of charging a fee for US citizens entering US without passport, and concluded it would not be cost effective. Note that 22 CFR 53.3 does not reflect changes to waiver provisions in 22 CFR 53.2 and proposed revising regulation to correct this technical deficiency.	State will revise section 53.3 to bring it in line with current provisions of section 53.2
State		22 CFR Part 50 Nationality	Target Completion Date April 1, 2012	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	CA/OCS/PRI has completed a preliminary review of this regulation and is now in the process of drafting a formal revision.

State		22 CFR Part 51 Passports	End of the quarter; three, six, nine and twelve months after start date.	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	CA/PPT has the lead in review and revision of this regulation. CA/OCS/PRI is coordinating with CA/PPT on this review.
State		22 CFR Part 52 Marriages	Target Completion Date April 1, 2012	None	This rule will be eliminated.	
State		22 CFR Part 53 Passport Requirement and Exceptions	End of the quarter; three, six, nine and twelve months after Start Date.	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	CA/PPT has the lead in review and revision of this regulation. CA/OCS/PRI is coordianting with CA/PPT on this review.
State		22 CFR Part 71 Protection and Welfare of Citizens and Their Property	Target Completion Date <b>December 15, 2012</b>	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	CA/OCS/PRI and L/CA have drafted a proposed revision to this regulation. We are coordinating with L and RM on outstanding issues related to loans for minors before this proposed rule can be published.
State		22 CFR Part 72 Deaths and Estates	Target Completion Date April 1, 2012	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	
State		22 CFR Part 92 Notarials and Related Services		None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	

State		22 CFR Part 93 Service on Foreign State	Target Completion Date April 1, 2012	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	
State		22 CFR Part 94 International Child Abduction	Target Completion Date April 1, 2012	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	
State		22 CFR Part 96 Accreditation of Agencies and Approval of Persons Under the Inter-Country Adoption Act of 2000 (IAA)	Target Completion Date June 15, 2012	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	
State		22 CFR Part 97 Issuance of Adoption Certificates and Custody Declarations In Hague Convention Adoption Cases	Target Completion Date April 1, 2012	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	
State		22 CFR Part 98 Inter Country Adoption Convention Record Preservation	Target Completion Date April 1, 2012	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	
State		22 CFR Part 99 Reporting on Convention and Non-Convention Adoptions of Emigrating Children	Target Completion Date April 1, 2012	None	CA/OCS/PRI conducts an annual review of relevant regulations in 22 CFR. To implement E.O. 13563, CA/PRI proposes routine quarterly reviews of 22 CFR annually after completion of initial review.	



State		22 CFR Part 102 Civil Aviation United States Aircraft Accidents Abroad	Target Completion Date September 1, 2012	None	CA/OCS/PRI will be coordinating with other federal agencies (FAA, Transportation, NTSB), the Office of the Legal Adviser, and the Department of State, Bureau of Economic and Business Affairs Transportation Affairs Division in reviewing and rewriting this regulation.	
State		22 CFR Part 193 Benefits for Hostages in Iraq, Kuwait, or Lebanon	Target Completion Date April 1, 2012	This program no longer exists.	CA/OCS/PRI will be eliminating this regulation.	
State	1400-AC57	Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates (MRV and BCC Rule)	December 6, 2011	The rule adopted without change the interim final rule published in the Federal Register, 75 FR 28188, on May 20, 2010. Per OMB Circular A-25, section 6(a)(1), (a)(2)(a), the Department adjusted the fees to recover the actual cost of providing nonimmigrant visa and border crossing card application services that benefit specific individuals, as opposed to the general public: - Changed the non-petition-based nonimmigrant visa (except E category) and adult border crossing cards from \$131 to \$140. - Established new tiers of the application fee for certain categories of petition-based nonimmigrant visas and treaty trader and investor visas to more equitably reflect the true cost of producing that particular product: H, L, O, P, Q, and R category nonimmigrant visas set at \$150; E category nonimmigrant visas set at \$390; K category nonimmigrant visas set at \$350 - Increased the fee for border crossing cards for Mexican citizens under age 15 whose parent or guardian has or is applying for a border crossing card from \$13 to \$14 to reflect a congressionally mandated surcharge that went into effect in 2009.	Published December 6, 2011 as 76 FR 76032.	Amends 22 CFR Part 22.
State	Related to 1400-AC58	Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates	Not yet submitted to OMB for E.O. 12866 review	The rule will adopt the interim final rule published in the Federal Register, 75 FR 36522, on June 28, 2010. Per OMB Circular A-25, section 6(a)(1), (a)(2)(a), the Department will adjust the fees to recover the actual cost of providing consular services that benefit specific individuals, as opposed to the general public. Some of the fees will be higher or lower from the last publication of the final Schedule of Fees to reflect the Department's actual costs of providing the services, as produced by the 2009 Cost of Service Model (CoSM), the Department's activity-based costing model.	It has been completely drafted and is in final clearance before being sent to OMB for E.O. 12866 review.	Amends 22 CFR Part 22.

State	N/A	Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates	Not yet submitted to OMB for E.O. 12866 review	The interim rule will amend 22 CFR Part 22 to make changes to the Department's Schedule of Fees that reflect the full cost to the Department for providing consular services that benefit specific individuals, as opposed to the general public, per OMB Circular A-25. Some of the fees will be higher or lower from the last publication of the final Schedule of Fees to reflect the Department's actual costs of providing the services, as produced by the 2011 Cost of Service Model (CoSM), the Department's activity-based costing model.	It has been completely drafted and is in final clearance before being sent to OMB for E.O. 12866 review.	Amends 22 CFR Part 22.
State	1400-AC86	22 CFR 42.24 -- IASA Hague Adoptions	November 1, 2011	This regulation, implementing the International Adoption Simplification Act, facilitates sibling adoptions by U.S. citizen parents. The regulation allows for a parent to file an immediate relative petition for the natural or adult sibling of an already or concurrently adopted child. By extending this existing legal framework to include such siblings, the regulation eliminated unnecessary cost and resource burdens to those who sought such adoptions without the availability of this legal option. Implementation of this regulation promotes a program that minimizes costs and burden on individuals while achieving an equitable balance between facilitating adoptions for American citizens and protecting the well-being of the adopted child. As the Hague Convention on Inter-Country Adoptions does not consider adoption of children over 18, this regulation expands such benefits to American citizens in a manner that advances the public interest and expands safeguards enforced by the Hague Convention.	This rule was published on November 1, 2011, implementing the International Adoption Simplification Act, facilitating the adoption of siblings by U.S. citizen parents. The IASA and the Department's rule allow Americans to adopt siblings in countries that are party to the Hague Intercountry Adoption Convention, ensuring that adoptive parents have the ability to keep families together while also benefiting from the anti-child stealing measures enforced by the Hague Convention. The purpose of the rule is to guarantee the ability of American parents to adopt the natural and adult siblings of children they have already adopted as allowed by the IASA, removing a previous age restriction.	

State		22 CFR 41.54 -- Issuance of Full Validity L Visas to Qualified Applicants	Targeted Spring 2012	<p>Extending the validity for L visas reduces repetitive and unnecessary burdens on private individuals and American employers while allowing consular officers to perform their duties in a cost-effective manner. The length by which the new regulation will increase visa validity periods will vary according to nationality of the applicant. However, for a significant number of L applicants, validity will increase by an additional two years. In 2010, State issued approximately 145,000 L visas, over half of which were to nationals of India. The remaining majority of L applicants was mostly comprised of nationals from France, England, Mexico, South Korea, and Japan. Under the new regulation, applicants from these countries, accounting for over two-thirds of all L applicants, are entitled to 60 month validity periods whereas they were previously limited to period of 36 months. By extending the validity period to 60 months, over 100,000 L applicants in 2010 would receive an added two years of validity without having to renew their visa. This extension saves consular officers almost 3500 hours in interview time, a significant resource saving for State. Applicants similarly save time and resources as they are not required to renew their visas as frequently. By permitting an L visa holder to remain in the United States for a longer period of time, American employers face reduced burdens as L employees may remain at work in the United States without interruption due to visa restrictions. As a result, the Department benefits from both reduced processing costs and eased administrative strain at overseas embassies and consulates. Similar to other Department initiatives to reduce day-to-day physical burdens on processing posts, reduced applications by granting longer validity allow consular officers to most efficiently process applications, making Department operations more cost-effective to better facilitate legitimate travel. Expanding the validity for L visas will not significantly affect small businesses as L visas are for intracompany transferees, primarily issued only to employees of large multinational corporations such as Deloitte, IBM, and Honeywell.</p>	<p>This regulation is in final clearance and is expected to be published in Spring 2012. This rule permits issuance of full validity L visas as prescribed by the visa reciprocity schedule, beyond the validity of the petition alone. Under the current regulation, L visa holders are permitted to remain in the United States for the period of the accompanying petition validity. This period is often considerably shorter than the reciprocal validity period, requiring holders to frequently reapply. As the visa category is for intracompany transferees, restricting the burden of limited validity periods benefits both the employer and employees. The revised regulation will benefit those employees who will be able to remain in the United States for a longer period of time without the added resource burden of more frequently required visa renewals.</p>	
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